

THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

Case No. 10-0189-CV-W-ODS

**UNOPPOSED MOTION TO FILE SUGGESTIONS IN EXCESS OF 15 PAGES
IN OPPOSITION TO DEFENDANT SOVEREIGN BANK'S SEPARATE
MOTION TO DISMISS BASED ON HOLA PREEMPTION**

Plaintiffs respectfully move the Court for an Order permitting them to file Suggestions of no more than 20 double-spaced, typewritten pages in opposition to Defendant Sovereign Bank's Separate Motion to Dismiss Based on HOLA Preemption (Doc. 75, Ex. 17) on the grounds that good cause exists for such an Order given the complexity of the issues and the number of authorities to which Sovereign Bank cites. Plaintiffs have done their best to minimize their response, but have concluded in good faith that they need three (3) to five (5) additional pages to adequately explain why Sovereign Bank's motion should be denied. In support of this motion, Plaintiffs state:

1. Defendant Sovereign Bank's motion and suggestions (Doc. 75, Ex. 17) total 14 pages and cite to several cases, statutes, regulations and other authorities addressing the issue of preemption. Yesterday, Sovereign Bank sought to supplement its motion with 2 additional pages of cases and arguments. (Doc. 85)
2. Given the complexity of the issues, the arguments made, and the number of

authorities cited, Plaintiffs need more than 15 pages to oppose Sovereign Bank's motion. Plaintiffs respectfully request that the Court permit Plaintiffs to file Suggestions of up to 20 pages in Opposition to Sovereign Bank's motion.

3. Plaintiffs have contacted counsel for the Defendant Sovereign Bank about this motion. Defense counsel advises that Sovereign Bank will not oppose this motion and request for excess pages.

4. This motion for excess pages is made in good faith and not for any dilatory purpose.

5. This motion for excess pages will not unfairly prejudice any Defendant, Moving and Non-Moving alike.

WHEREFORE, Plaintiffs respectfully request the Court to find that cause has been shown and enter an Order permitting them to file Suggestions of no more than 20 pages in opposition to Defendant Sovereign Bank's Separate Motion to Dismiss Based on HOLA Preemption (Doc. 74, Ex. 17)

Dated: November 12, 2010

Respectfully Submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

By *Kip D. Richards*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed electronically with the Clerk of the United States District Court for the Western District of Missouri, Western Division, this 12th day of November 2010, with notice of case activity to be generated and sent electronically to all designated persons.

/s/ Kip D. Richards